

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**COUNCIL CHAMBERS**  
**WILLMAR MUNICIPAL UTILITIES BUILDING**  
**WILLMAR, MINNESOTA**

August 3, 2009  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Ron Christianson, Steve Ahmann, Rick Fagerlie, Jim Dokken, and Tim Johnson; Present 6, Absent 3 – Council Members Bruce DeBlieck, Denis Anderson, and Doug Reese were excused from the meeting.

Also present were City Administrator Michael Schmit, Police Chief Jim Kulset, Finance Director Steven Okins, Planning and Development Services Director Bruce Peterson, Community Education and Recreation Director Steve Brisendine, Assistant City Engineer Holly Wilson, and City Clerk Kevin Halliday.

The recognition of Willmar Fests Royalty was removed from the Agenda.

Council Member Christianson offered a motion adopting the Consent Agenda which included the following: City Council Minutes of July 20, Rice Hospital Board Minutes of July 22, Municipal Utilities Commission Minutes of July 27, Convention and Visitors Bureau Minutes of June 16, and Charter Commission Minutes of July 8, 2009. Council Member Fagerlie seconded the motion, which carried.

Mayor Heitke acknowledged that no one had signed up to address the City Council during its scheduled Open Forum.

The Finance Committee Report for July 27, 2009, was presented to the Mayor and Council by Council Member Fagerlie. There were six items for Council consideration.

Item No. 1 Members of the Storm Water Task Force came before the Committee to ask that funding continue so the SWTF five recommendations could be evaluated and possible implemented in the next year or two. The five recommendations include: use of old WTP with force main at 19<sup>th</sup> Avenue; establish holding pond west of Menards; enlarge Ramblewood Pond; use Kennedy Ballpark with tiling; and construct ponds at Grass Lake.

Staff informed the Committee there was originally \$50,000 budgeted in 2009 to hire consultants to update the City's Storm Water Management Plan, but due to the budget reductions, this was reduced to \$30,000 and would possibly cover Phase 1 of 3 being proposed by the consulting firm of Barr Engineering. Staff indicated it would be approximately two weeks before consultant estimates would be known. This matter was for information only.

Item No. 2 Stephen Jennings came before the Committee to request a variance from the present policy of not deferring assessments, for agricultural purposes, against platted property within the City limits. Mr. Jennings is the property owner for the Hidden Valley Estates development and due to the present housing market, approached Staff to defer the assessments on all of the 42 platted lots in the subdivision.

Staff explained that Mr. Jennings worked with the City in platting an easement for the proposed western sewer line through his plat at no cost and that this line is very important in the entire development of the west side of Willmar.

The Committee was recommending the Council introduce a Resolution granting a variance to Mr. Jennings for an agricultural deferment of the storm water assessments against the 42 platted lots in the Hidden Valley Estates Subdivision. Resolution No. 1 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

#### RESOLUTION NO. 1

WHEREAS, the Developer did plat land now known as Hidden Valley Estates, but no sales of lots has occurred nor has any public infrastructure been constructed; and

WHEREAS, Section W of the City of Willmar Comprehensive Assessment Policy allows the City to temporarily exempt from assessments certain lands currently used for agricultural purposes; and

WHEREAS, the property owner has made application to the City for delayed payment of special assessments and has received a variance to any conflicting criteria contained in the Comprehensive Assessment Policy for said deferment;

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that special assessments as hereinafter designated be certified to the County and deferred until such property is developed / public improvements so ordered, and that no interest be charged until such time.

BE IT FURTHER RESOLVED that upon development / public improvements made that the assessments shall be continued from the unpaid balances for each lot:

J & C Enterprises of Central MN,  
c/o Stephen Jennings  
PO Box 639; Richmond, MN 56368

Hidden Valley Estates

(For complete list of parcel numbers and dollar amounts, see City Council file dated August 2, 2009, located in the City Clerk's Office)

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 3 The Committee was informed by Staff that Mid-Minnesota has billed the City for work on the Comprehensive Plan. The Plan was originally funded in the 2008 budget at an estimated cost of \$7,000. Due to the billing coming in later than anticipated and over budget at \$10,800, Staff was recommending to the Committee that \$7,500 be covered by the 2009

budget and \$3,300 from 2008 unspent professional services appropriations.

The Committee was recommending the Council introduce a resolution to fund the comprehensive plan as recommended. Resolution No. 2 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following changes to the Planning and Redevelopment Services departmental budget within the general fund:

Increase:	Professional Services	\$10,800.00
Decrease:	2008 Fund Balance	\$ 3,300.00
	Other Services	\$ 7,500.00

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee was informed by Staff that the Pioneerland Library Joint Powers Agreement was revised to include an indemnification and hold-harmless section. The Committee was recommending the Council introduce a resolution authorizing the Mayor and City Administrator to sign the agreement as amended.

Resolution No. 3 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Pioneerland Library System 2001 Joint Powers Agreement Amendment.

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 Staff presented to the Committee four property owner land leases for the interceptor corridor. The reduced rate of \$100 per acre was set due to the land disturbance and productivity issues raised. The leases cover a one-year timeframe with an annual renewal requirement. The Committee was recommending the Council introduce a resolution to

authorize the Mayor and City Administration to sign the four land leases as presented.

Resolution No. 4 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota that the Mayor and City Administrator be authorized to execute a Land Lease Agreement between the City of Willmar and the following property owners:

Mark O. Kvam,	Sections 30 & 29, Township 119N, Range 35W (24.45 acres)
Kvam Limited Partnership	Section 24, Township 119N, Range 36W (10.7 acres)
Andrew Kvam Trust	Section 19, Township 119N, Range 35W (.82 acres)
Ivan Groothuis Trust	Section 24, Township 119N, Range 36W (11.49 acres)

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Staff also explained that due to previous Council action to place Project D6 – Wastewater Pump Stations on the PFA’s Intended Use Plan, an additional intent to borrow funds under the PFA’s Clean Water Revolving Fund Loan Program needed to be submitted. The Committee was recommending the Council introduce a resolution to authorize the City Administration to file an application for the PFA Clean Water Revolving Fund Loan and adjust the budget accordingly.

Resolution No. 5 was introduced by Council Member Fagerlie, seconded by Council Member Johnson, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

RESOLUTION NO. 5

Resolution Authorizing the Submittal of an Application to the Clean Water Revolving Fund

BE IT RESOLVED that the City of Willmar, Minnesota, is hereby applying to the Minnesota Public Facilities Authority for a loan from the Clean Water Revolving Fund for improvements to its municipal wastewater treatment system as described in the loan application.

BE IT FURTHER RESOLVED that the City of Willmar estimates the loan amount to be \$2,235,895 or the as-bid cost of the project.

BE IT FURTHER RESOLVED that the City of Willmar has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operating and maintenance of the project for its design life.

BE IT FURTHER RESOLVED that the City of Willmar hereby expresses its official intent to use proceeds of this loan to reimburse construction expenditures made prior to the issuance of its general obligation bond to the Public Facilities Authority.

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee briefly reviewed 2010 budget items. This matter was for information only.

Item No. 7 The Committee reviewed the following reports: June Rice Trust. This matter was for information only.

The Finance Committee Report for July 27, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Christianson, and carried.

The Public Works/Safety Committee Report for July 28, 2009, was presented to the Mayor and Council by Council Member Christianson. There were six items for Council consideration.

Item No. 1 Staff presented information to the Committee pertaining to the purchase of a street sweeper through the capital outlay program. There is \$170,000 slated for a street sweeper in the program and Staff is recommending purchasing one under state contract for \$172,052.0, explaining the City's current sweeping program which starts approximately mid-March and continues through mid- November. The current sweeper collects debris with brooms and is equipped with a 3½-cubic yard hopper. Because of the amount of time it takes for the unit to travel to and from the dump site, a truck is assigned to follow and dispose of the debris. It takes approximately six weeks to complete a cycle through the City in the spring and fall, and in the summer months four weeks. A yearly total for debris collected averages 1,900-2,000 cubic yards and average number of hours sweeping is 1,248. It was noted a permit requirement in the City's SWPPP plan is to increase street sweeping.

The unit staff proposed purchasing is a Cross Wind Preventative Air Machine with an 8-yard hopper which uses a vacuum system to collect debris therefore allowing for collection of finer particles. This unit uses a truck chassis and has the ability to travel at higher speeds which would eliminate the need for another truck and person to dump loads. Discussion was held by the Committee of the pros and cons of purchasing the sweeper versus renting one. It was the consensus of the Committee to refer this item to the City Council without a recommendation and Staff was asked to obtain rental quotes from outside companies for comparison.

Following discussion, Council Member Christianson moved to refer this matter back to Committee for further review and discussion. Council Member Fagerlie seconded the motion, which carried.

Item No. 2 Chairman of the Storm Water Task Force, Rolf Standfuss, appeared before the Committee to present information on behalf of the members present. The Storm Water Task Force (SWTF) was established in August of 2008 by the City Council. The SWTF had previously presented a list of five recommendations to the City Council.

Mr. Standfuss stated the Willmar Watershed Management Plan from 1998 is still in draft form and in order for the SWTF to move forward toward relieving the existing storm water issues, this report should be updated and finalized. Barr Engineering has been asked to submit price quotes for a three-phase update of the 1998 plan. There is \$30,000 slated in the 2009 budget and it is the SWTF's request to use this money to fund Phase I of the update. The Barr Engineering proposal will be brought to Committee for approval. This matter was for information only.

Item No. 3 John Bryant of Donohue and Associates presented to the Committee an easement for consideration. The utility line easement is located in the northeast corner of Benson Avenue SW and 11<sup>th</sup> Street on Jennie-O property. The easement will allow Staff to access the property for routine maintenance of a manhole structure and overflow pipe. Jennie-O has agreed to grant the permanent easement and Donohue is seeking Council approval.

The Committee was recommending the Council approve the permanent easement as presented for Project No. 0816-D6. Resolution No. 6 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

#### RESOLUTION NO. 6

WHEREAS, the City of Willmar has an existing sanitary sewer pipe, monitoring station and manhole for Jennie-O Turkey Store industrial waste located at the northeast corner of Benson Avenue SW and 11<sup>th</sup> Street SW on Jennie-O property; and

WHEREAS, the City of Willmar has entered into a contract with Di-Mar Construction, Inc. for the construction of Wastewater Pump Stations 710 and 720; and

WHEREAS, the Pump Station 710 overflow pipe will connect to the City's municipal sanitary sewer pipe on Benson Avenue Jennie-O Turkey Store property near the northeast corner of Benson Avenue SW and 11<sup>th</sup> Street SW; and

WHEREAS, it will be necessary for the City of Willmar's Public Works Department to periodically have access to the property to maintain Pump Station 710 overflow pipe and manhole; and

WHEREAS, Jennie-O Turkey Store has agreed to grant a permanent easement to the utility area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the permanent easement agreement with Jennie-O Turkey Store, Inc. be approved and executed.

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 4 The Committee considered an amended budget for the 2009 Improvement Projects. Changes to the budget reflect the bid amount for Project No. 0903 – Willmar Avenue SW from 18<sup>th</sup> to 22<sup>nd</sup> Streets and the removal of 4<sup>th</sup> Avenue SW cul-de-sac in Industrial Park. The Committee was recommending the Council amend the budget as presented by staff.

Resolution No. 7 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

RESOLUTION NO. 7

2009 Improvement Budget  
Estimated Total Cost \$2,054,400

PERSONNEL SERVICES		RECEIVABLES	
Overtime Reg. Employees	\$500.00	Property Owners	\$284,600.00
Salaries Temp. Employees	<u>\$1,000.00</u>	County	\$202,000.00
TOTAL	\$1,500.00	State	\$434,100.00
		*City (WWTP)	\$265,000.00
SUPPLIES		City (MUC)	\$54,000.00
Office Supplies	\$500.00	Utility Fee	\$400,000.00
Small Tools	\$500.00	LOST	<u>\$414,700.00</u>
Motor Fuels & Lubricants	\$2,000.00	TOTAL	\$2,054,400.00
Postage	\$1,000.00		
Mtce. of Other Improvements	\$500.00	FINANCING	
General Supplies	<u>\$1,000.00</u>	PIR Fund	\$284,600.00
TOTAL	\$5,500.00	County	\$202,000.00
		State	\$434,100.00
OTHER SERVICES		City (WWTP)	\$265,000.00
Printing & Publishing	\$2,000.00	City (MUC)	\$54,000.00
Mtce. of Other Impr.	\$1,490,400.00	Utility Fee	\$400,000.00
Other Services (misc.)	<u>\$364,000.00</u>	LOST	<u>\$414,700.00</u>
TOTAL	\$1,856,400.00	TOTAL	\$2,054,400.00
OTHER CHARGES		GRAND TOTAL	\$2,054,400.00
Insurance & Bonds	\$2,000.00		
Prof. Serv. (Testing, Barr)	\$15,000.00		
Adm. OH (Transfer)	\$134,000.00		
Other Charges	<u>\$40,000.00</u>		
TOTAL	\$191,000.00		
GRAND TOTAL	\$2,054,400.00		

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

The Committee considered a request from Staff for formal action to remove 4<sup>th</sup> Avenue SW cul-de-sac from the 2009 Project list that was approved earlier this year. The Committee was recommending the Council remove the 4<sup>th</sup> Avenue SW cul-de-sac from the 2009 Project list. Resolution No. 8 was introduced by Council Member Christianson, seconded by Council Member Fagerlie, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

RESOLUTION NO. 8

WHEREAS on February 17, 2009, the City Council of the City of Willmar adopted Resolution No. 5 approving the 2009 Improvements Projects List and Engineer's Improvement Report; and

PURSUANT TO changes made to the projects, which caused the deletion of a portion of the improvements;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that the construction of the 4th Avenue SW cul-de-sac be removed from this year's construction.

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 5 The Committee was informed by Staff that the grant application submitted in April to the Department of Justice jointly with Kandiyohi County has been approved. The grant money in the amount of \$48,394.00 will fund a joint project described as "Safe Neighborhoods Enhanced by Video Technology." Security cameras will be installed in public places to protect public infrastructure from criminal activity.

The Committee was recommending the Council accept the grant and authorize the City Administrator to execute any necessary documents on behalf of the City. Following discussion, Resolution No. 9 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 3, Noes 2 – Council Members Christianson and Johnson voted "No."

RESOLUTION NO. 9

WHEREAS, the Department of Justice has approved the City of Willmar and Kandiyohi County application for \$48,394.00 to fund a joint "Safe Neighborhoods Enhanced by Video Technology" project.



NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar, Minnesota, that the City accept the grant and direct the City Administrator to sign the acceptance documents.

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Item No. 6 The Committee briefly discussed the schedule for installation of various quiet zones, the status of the State's interchange project at County Roads 5 and 15, and requested the intersection of Business 71/CR 24/294 be placed on the next Committee agenda for an update. This matter was for information only.

The Public Works/Safety Committee Report of July 28, 2009, were approved as presented and ordered placed on file in the City Clerk's Office upon motion of Council Member Christianson, seconded by Council Member Fagerlie, and carried.

The Community Development Committee Report for July 30, 2009, was presented to the Mayor and Council by Council Member Dokken. There were four items for Council consideration.

Item No. 1 Wes Hompe, with Willmar Municipal Utilities, provided the Committee with a recap of the wind turbine project that was started in 2008. Pertinent facts presented included the size of the towers and blades, megawatts produced, cost, estimated cost of power production over the 20 year life of each turbine, and announced that an open house is planned for sometime in August. Mr. Hompe concluded his presentation by informing the Committee that the Big Stone II power plant project is moving forward and the certificate of need has been issued for the transmission line. There are some issues regarding conditions to the certificate of need. It is expected that these issues will be addressed in August. This matter was for information only.

Item No. 2 Stephen Deleski appeared before the Committee to again discuss the improper use of downtown garbage receptacles and suggested that, in addition to better enforcement of the use of the garbage containers, there be recycling containers made available for businesses and residents in the central business district. Mr. Deleski requested that the City revisit the idea of an ordinance to restrict the use of public receptacles.

The Committee discussed the definition of garbage and rubbish as it currently occurs in sections of the municipal code. The Committee suggested that Mr. Deleski follow a previous recommendation to modify the garbage containers to accommodate nothing larger than a can or bottle. He was also asked to try putting signs on the containers notifying the public that they were not for household garbage. Additionally, Staff will suggest to landlords that they remind their tenants to use the garbage containers provided by landlords and not use the public containers on the sidewalks downtown. This matter was for information only.

Item No. 3 Staff reviewed current rental fee schedules and recommended that the Committee consider an increase in fees. Currently, rental fees generate approximately \$12,000 per year, which does not come close to the cost of providing the service. Staff acknowledged that it was

not reasonable to expect that the fees could be adjusted to the point where they would cover the cost of service, although there is some middle ground to be explored.

The Committee asked Staff to prepare scenarios that would show the change in fees for a variety of rental structure sizes, and to present that information with a narrative explanation of the need for a fee increase. Staff will compare the number of licenses issued, inspections performed, income produced, and program expenses over the past five years and bring that information to the Committee, as well. The plan is to have a recommendation on rental fees made in time for any change to be part of the 2010 budget. This matter was for information only.

Item No. 4 Staff provided the Committee with an update on a variety of activities including the O'Reilly auto store, a new tri-plex/four-plex PUD, FAA land release, and mobile home park enforcement. This matter was for information only.

The Community Development Committee Report for July 30, 2009, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Ahmann, and carried.

City Clerk Halliday informed the Mayor and Council that the Willmar Design Center will be sponsoring the Willmar Blend Dinner and Concert fundraiser on August 13, 2009, at 414 Becker Avenue SW. A State of Minnesota one to four-day temporary on-sale liquor license is required for wine to be served. Following discussion, Council Member Christianson moved to approve the State Liquor License for the Willmar Design Center. Council Member Ahmann seconded the motion, which carried on a roll call vote of Ayes 5, Noes 0.

City Administrator Schmit presented to the Mayor and Council a Joint Powers Agreement between the Department of Public Safety, Bureau of Criminal Apprehension, and City to provide communication and work-flow tools for law enforcement, prosecutors, and the courts, commonly referred to as eCharging. Following discussion, Resolution No. 10 was introduced by Council Member Fagerlie, seconded by Council Member Ahmann, reviewed by Mayor Heitke, and approved on a roll call vote of Ayes 5, Noes 0.

#### RESOLUTION NO. 10

BE IT RESOLVED by the City Council of the City of Willmar, a municipal of the State of Minnesota, that the City Administrator be authorized to enter into a Joint Powers Agreement between the City of Willmar and the Department of Public Safety, Bureau of Criminal Apprehension, to provide communication and work-flow tools for law enforcement, prosecutors and the courts.

Dated this 3<sup>rd</sup> day of August, 2009.

/s/ Lester Heitke  
MAYOR

/s/ Kevin Halliday  
Attest: CITY CLERK

Announcements for Council Committee meeting dates were as follows: Finance, August 10; and Public Works/Safety, August 11, 2009.

Mayor Heitke announced the National Night Out would be held on August 4, 2009, at Robbins Island.

There being no further business to come before the Council, the meeting adjourned at 8:05 p.m. upon motion by Council Member Ahmann, seconded by Council Member Christianson, and carried.

Attest:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
SECRETARY TO THE COUNCIL